

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION	)	MDL 2804
OPIATE LITIGATION	)	
	)	Case No. 1:17-md-2804-DAP
This document relates to:	)	
	)	Judge Dan Aaron Polster
<i>State of Alabama v. Purdue Pharma LP, et al.</i>	)	
Case No. 1:18-OP-45236-DAP (N.D. Ohio)	)	

**PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff, the State of Alabama, hereby gives notice of supplemental authority recently issued that supports Plaintiff's opposition to the motions to dismiss filed by the Defendants (Doc. 845).

Plaintiff writes to provide the Court with a recent decision issued by the Ross County, Ohio Court of Common Pleas in *State of Ohio ex rel. Mike DeWine, Ohio Attorney General v. Purdue Pharma L.P., et al.*, Case No. 17 CI 261 (Aug. 22, 2018). *See* Exhibit A. The decision denied a motion to dismiss filed by opioid manufacturers and upheld all six counts alleged by the State of Ohio. Specifically, the Court rejected the defendants' preemption argument and determined that the State of Ohio's public nuisance claim was adequately pled. *See* Ex. A. at 6-7. The decision also held that, at the pleading stage, the complaint did not need to identify specific physicians who relied upon the Defendants' misrepresentation. *Id.* at 6.

This ruling provides further support for denying the Defendants' pending motions to dismiss.

Respectfully submitted,

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By:

/s/ Rhon E. Jones

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtain through, the Court CM/ECF Systems.

/s/ Rhon E. Jones

OF COUNSEL